

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,	*	
	*	
Plaintiff,	*	
	*	
v.	*	CIVIL ACTION NO.
	*	
\$51,000.00 IN UNITED STATES	*	
CURRENCY,	*	
	*	
Defendant.	*	

COMPLAINT FOR FORFEITURE

COMES NOW Plaintiff, the United States of America, pursuant to Title 18, United States Code, Section 981 (a) (1) (A), and files this Complaint for Forfeiture, showing the Court as follows:

1.

The Court has jurisdiction over this case pursuant to Title 28, United States Code, Sections 1345 and 1355.

2.

Venue is proper in this Court pursuant to Title 28, United States Code, Section 1395.

3.

On March 28, 2012, law enforcement officials for the United States seized \$51,000.00 in United States currency (the "Defendant Currency") from Adesanmi Adelokun at Atlanta's Hartsfield-Jackson Airport (the "Atlanta Airport"), a place within the jurisdiction and venue of this Court.

4.

31 U.S.C. § 5316(a)(1)(B) requires that a person, or the person's agent or bailee, file a report when that person, agent or bailee knowingly transports or has transported monetary instruments of more than \$10,000.00 at one time into the United States from or through a place outside of the United States.

5.

31 U.S.C. § 5324 (c) makes it a federal crime to, (1) fail to file a report required by § 5316, or cause or attempt to cause a person to fail to file such a report, (2) file or cause or attempt to cause a person to file a report required under § 5316 that contains a material omission or misstatement of fact; or (3) structure or assist in structuring, or attempt to structure or assist in structuring, any importation or exportation of monetary instruments.

6.

31 U.S.C. § 5317(c)(2) provides that any property involved in or traceable to a violation of 31 U.S.C. §§ 5316 or 5324, and any property traceable to any such violation or conspiracy, is subject to forfeiture to the United States.

7.

The United States Custom and Border Protection ("CBP") requires that all international travelers go through a customs inspection process when entering the United States. As part of that

customs process, international travelers must complete and submit a Customs Declaration Form (CBP Form 6059B) and a Report of International Transportation of Currency or Monetary Instruments Form (FinCEN Form 105).

8.

During the custom's inspection process, CBP has a primary inspection area where international travelers present their identification and completed customs forms to CBP officers. Travelers must also declare the amount of cash they are transporting into the United States during the primary inspection.

9.

Some international travelers are referred to the CBP's secondary inspection area when further inspection is deemed necessary.

10.

On March 28, 2012, Adelakun traveled from Lagos, Nigeria to the Atlanta Airport with Felix Uche Ukeh ("Ukeh") and Idris Musa ("Musa").

11.

After arriving at the Atlanta Airport, Adelakun, Ukeh and Musa approached the CBP's primary inspection area and presented their documentation.

12.

Adelakun, a Nigerian citizen, filed FINCEN Form 105 with CBP

officials and reported that he was transporting \$30,000.00 in cash into the United States.

13.

Musa, a Nigerian citizen, filed FINCEN Form 105 with CBP officials and reported that he was transporting \$10,000.00 in cash into the United States.

14.

Ukeh, a United States citizen, filed FINCEN Form 105 with CBP officials and reported that he was transporting \$15,000.00 in cash into the United States.

15.

CBP officers referred Adelakun, Ukeh and Musa to CBP's secondary inspection area because each man was transporting currency in excess of \$10,000.00.

16.

After Adelakun, Ukeh and Musa arrived in Custom's secondary inspection area, CBP officers interviewed each man separately.

17.

CBP officers explained the currency reporting requirements to Adelakun, and Adelakun stated that he understood the requirements.

18.

CBP officers examined Adelakun's luggage and found \$31,801.00 in United States currency.

19.

Adelakun told CBP officers that he was employed with the National Oil Spill Detection and Response Agency in Nigeria. However, CBP officers discovered that Adelakun was actually contracted by the Nigerian Ministry of Defense to purchase explosives and demolition materials.

20.

Adelakun told CBP officers that he was traveling from Nigeria with business associates. Adelakun further stated that he had not given any money to his business associates to transport into the United States.

21.

After further questioning, Adelakun stated that he had given \$5,000.00 in cash to Musa and \$5,000.00 in cash to Ukeh.

22.

CBP Officer ROS and ICE Special Agent Chris Wright interviewed Musa, who had reported that he was transporting \$10,000.00 in cash.

23.

Musa told the officers that Adelakun had given him the \$10,000.00 he was transporting.

24.

During a subsequent interview with Agent Wright, Musa stated that Adelakun had given him \$20,000.00 in cash. Musa told Agent Wright that after he received \$20,000.00 from Adelakun, he gave \$10,000.00 of the money to Ukeh.

25.

CBP Officer Ejiogu interviewed Ukeh, who had reported that he was transporting \$15,000.00 in United States currency.

26.

Ukeh initially stated that he owned the \$15,000.00 in cash that he was transporting. Ukeh also stated that a friend had given him some of the money for shopping purposes to purchase items such as iPads.

27.

Ukeh stated that he was an Environmental Engineer and was employed as the Special Assistant to the Inspector General of the National Oil Spill Detection and Response Agency in Nigeria.

28.

Ukeh stated that he was traveling to Richmond, Virginia to conduct an assessment on behalf of a company. However, when asked about the company in Virginia, Ukeh could not provide the name of the company to the officers.

29.

Ukeh stated that he had initially met Adelakun and Musa in a departure lounge in Lagos, Nigeria prior to boarding the aircraft to Atlanta.

30.

Ukeh told Officer Ejiogu that Musa had asked him if he had

enough money for his expenses. Ukeh further stated that even though he had told Musa that he had sufficient funds, Musa still gave him \$10,000.00 in United States currency.

31.

Upon further questioning, Ukeh stated that Musa had never given him a reason for giving him the \$10,000.00 in cash and that Musa had just requested that Ukeh "hold it" (the currency).

32.

Ukeh stated that when Musa gave him the \$10,000.00, he had assured Musa that he would declare the currency when they arrived in the United States.

33.

Subsequently, during further questioning by Agent Wright, Adelakun admitted that he had not been truthful and that he had in fact given Musa \$20,000.00 in cash to transport into the United States.

34.

After CBP officers located the \$20,000.00 in cash that Musa and Ekeh were transporting into the United States on Adelakun's behalf, Musa and Ukeh executed a Department of Homeland Security ("DHS") Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise forms (DHS Form 4607), and voluntarily abandoned the money.

35.

Adelakun signed a DHS Form 4607 and abandoned the \$51,000.00 in United States currency to Agent Wright.

36.

CBP officers returned \$801.00 of the abandoned funds to Adelakun for humanitarian purposes.

37.

Pursuant to 31 U.S.C. § 5317(c)(2), the Defendant Currency is subject to forfeiture to the United States because it was involved in a violation of 31 U.S.C. § 5316 and 31 U.S.C. § 5324(c), or it is traceable to any such violation or conspiracy.

WHEREFORE, the United States prays:

- (1) that the Court forfeit the Defendant Currency to the United States of America;
- (2) that the Court award the Plaintiff the costs of this action; and
- (3) that the Court grant such other relief as the Court deems just and proper.

Respectfully submitted this 13th day of November, 2012.

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

/s/ Mary F. Kruger

MARY F. KRUGER
ASSISTANT UNITED STATES ATTORNEY
Ga Bar No.: 244607
600 United States Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303
Telephone: (404) 581-6168
Fax: (404) 581-6234
MKruger@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$51,000.00 IN UNITED STATES
CURRENCY,

Defendant.

*
*
*
*
*
*
*
*
*
*

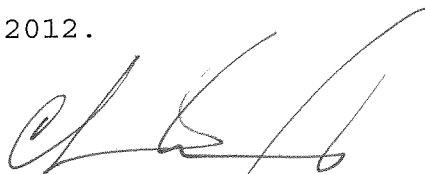
CIVIL ACTION NO.

VERIFICATION OF COMPLAINT FOR FORFEITURE

I, Special Agent Chris Wright, have read the Complaint for Forfeiture in this action and state that its contents are true and correct to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 8 day of November, 2012.



CHRIS WRIGHT, SPECIAL AGENT
UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT